

REMARKS

This Response is to the Office Action dated September 9, 2003. In this case, Claims 1 to 13 are pending. Those claims each stand rejected. In this Response, each of the claims is being amended to place the claims in standard United States format. It should be appreciated that none of the amendments disclaim any subject matter and that none of the amendments is being made to overcome any prior art reference. The translation of the Specification is being amended slightly to correct small grammatical errors. It should be appreciated that no new matter is being introduced by way of any of the amendments. It is believed that no fee is due in connection with this Response, however, please charge Deposit Account No. 02-1818 for any fees deemed to be owed.

In the Office Action, Claims 6 to 13 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which Applicants regard as their invention. In particular, those claims are in a multiple dependent form. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by German reference DE19747254 A1 to Silber ("*Silber*"). Claims 3 to 5 were rejected under 35 U.S.C. §103(a) as being obvious in view of *Silber*.

Regarding the §112 rejections, each of the Claims 6 to 13 has been amended accordingly. Applicants respectfully submit that the present claims overcome the §112 rejections. Further, the preamble of each of the claims has been amended to make the claims read in a standard United States format. Certain claims, such as Claims 6, 10 and 13, have also been amended slightly for clarity. Claim 5 has further been amended so that the claim depends only from Claim 2. It should be appreciated that each of the amendments to each of the claims is made merely for clarification and readability purposes. Applicants respectfully submit that absolutely no subject matter is disclaimed by any of those amendments. The amendments are not being made to overcome *Silber* or any other reference.

Regarding the *Silber* reference, Applicants respectfully traverse both the anticipation and obviousness rejections based on *Silber* for a number of reasons. First, Applicants do not see in the translation of the Abstract of *Silber*, the teachings recited in the Office Action. Namely, the Office Action states that the Abstract of *Silber* "teaches a non-invasive measurement of an internal pressure in elastic vessels in which a force is measured on the outer surface of the vessel and the internal pressure is determined from the measured force in a relaxation profile estimated

in advanced [sic] and is repeatedly checked after the start of the measurement” (pages 2 and 3 of Office Action). Applicants do not see such teaching in the Abstract that it can find for *Silber*. In particular, enclosed herewith is a first Abstract for *Silber* obtained from a Derwent™ search and a second Abstract from a search of the European Patent Office’s website (www.european-patnet-office.org/espacenet/info/access.htm). Both of those Abstracts are the same and neither Abstract teaches the claims as presently presented. In particular, Applicants specifically reject that the *Silber* Abstract teaches a relaxation profile that is repeatedly checked after the start of measurement.

Applicants also question the use *Silber* as prior art. *Silber* has a publication date of May 6, 1999. The present invention on the other hand has a priority date of April 26, 1999, which is based on the German Application DE19918714.2. The priority document was therefore filed before the publication date of *Silber*. Accordingly, Applicants question the use of *Silber* as prior art, especially under §102(b).

It should also be noted that the present application has a same inventor, namely, Gerhard Silber, as does *Silber*. That fact combined with the fact the present application specifically references *Silber* indicates that the present invention includes additional information with respect to and is patentable over *Silber*. For, example, as seen at page 4, line 6 of the translation, the present invention discusses *Silber*. Directly after that discussion, the present invention states:

“The invention is based on the problem of achieving good accuracy in a simple measurement of the internal pressure. This problem is solved in a method of the initially cited type, in that the relaxation curve is repeatedly checked after the start of measurement.”

Accordingly, the present application at least implies that the prior art *Silber* reference does not disclose a relaxation curve that is repeatedly checked after the start of measurement.

Again, at the bottom of page 7 of the present translation, *Silber* is characterized to merely disclose a device for non-invasive determination of internal pressures inside elastic tubes. The present invention therefore appears to build on the teachings of *Silber*, adding at least the inventive step of the repeatedly checking the relaxation curve after the start of measurement.

Based on the foregoing, Applicants respectfully submit that *Silber* does not teach or suggest the claims as currently presented. Further, Applicants submit that the present claims are

in condition for allowance and earnestly solicit reconsideration of same in light of the revelations disclosed herein concerning *Silber*.

Applicants accordingly respectfully request that the current rejections be withdrawn and that the above-identified patent application be deemed in a condition for allowance.

Respectfully submitted,

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